

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CRISTELA VALENCIA,

Plaintiff,

CASE NO. 1:17-CV-628

v.

HON. ROBERT J. JONKER

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

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ORDER APPROVING AND ADOPTING
REPORT AND RECOMMENDATION

The Court has reviewed Magistrate Judge Carmody’s Report and Recommendation in this matter (ECF No. 18), Plaintiff’s Objections (ECF Nos. 19, 21), and Defendant’s Response (ECF No. 20). Under the Federal Rules of Civil Procedure, where, as here, a party has objected to portions of a Report and Recommendation, “[t]he district judge . . . has a duty to reject the magistrate judge’s recommendation unless, on de novo reconsideration, he or she finds it justified.” 12 WRIGHT, MILLER, & MARCUS, FEDERAL PRACTICE AND PROCEDURE, § 3070.2, at 451 (3d ed. 2014). Specifically, the Rules provide that:

The district judge must determine de novo any part of the magistrate judge’s disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.

FED. R. CIV. P. 72(b)(3). De novo review in these circumstances requires at least a review of the evidence before the Magistrate Judge. *Hill v. Duriron Co.*, 656 F.2d 1208, 1215 (6th Cir. 1981).

The Court has reviewed de novo the claims and evidence presented to the Magistrate Judge; the

Report and Recommendation itself; and Plaintiff's objections. The Court finds the Magistrate Judge's Report and Recommendation, which recommends granting Defendant's Motion to Dismiss (ECF No. 13) based on a lack of jurisdiction, factually sound and legally correct.

In her Objections, Plaintiff expresses general disagreement with the Magistrate Judge's conclusion but presents no specific objections. The failure to lodge specific objections is sufficient basis, standing alone, for this Court to adopt the Magistrate Judge's Report and Recommendation. *See Cowherd v. Million*, 308 F.3d 909, 912 (6th Cir. 2004) ("Generally, the failure to file specific objections to a magistrate's report constitutes a waiver of those objections."). Plaintiff fails to address the Magistrate Judge's analysis in any meaningful way. Nothing in her submissions add to or otherwise change the fundamental analysis. Dismissal of Plaintiff's complaint for lack of jurisdiction is appropriate, for the very reasons detailed in the Report and Recommendation (ECF No. 18).

ACCORDINGLY, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge (ECF No. 18) is approved and adopted as the opinion of the Court.

IT IS FURTHER ORDERED that Defendant's Motion to Dismiss Plaintiff's Complaint (ECF No. 13) is **GRANTED**. This case is **DISMISSED**.

Dated: March 5, 2018

/s/ Robert J. Jonker
ROBERT J. JONKER
CHIEF UNITED STATES DISTRICT JUDGE